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FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS COLLECTIVE IMMEDIATE

UNCLAS STATE 065483

E.O. 12958: N/A
TAGS: PARM PREL MNUC MTCRE KN

SUBJECT: IMPLEMENTING UN SECURITY COUNCIL RESOLUTION
(UNSCR) 1874

SUMMARY

¶1. (U) This is an action request. See para 5.

¶2. (U) The United Nations Security Council unanimously adopted Resolution 1874 on June 12. This resolution unequivocally condemns North Korea's May 25 claimed nuclear test, imposes unprecedented new measures to address the threat posed by North Korea's nuclear and missile proliferation activities, and calls upon the DPRK to return immediately to the Six-Party Talks without preconditions. The resolution imposes a range of sanctions against North Korean entities involved in Pyongyang's nuclear, ballistic missile, other WMD, conventional, and other military-related activities, and imposes a ban on both imports and exports of conventional weapons to or from the DPRK, except for the export of small arms and light weapons to the DPRK. It also contains specific provisions related to preventing the DPRK from shipping proscribed items. In particular, the Resolution calls upon UN Member States to:

-- Inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to and from the DPRK, in their territory, including seaports and airports, if the State concerned has reasonable grounds to believe the cargo contains items proscribed by Resolutions 1718 and 1874.

-- Inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer, or export of which is prohibited by Resolutions 1718 and 1874.

-- Cooperate with inspections pursuant to the resolution.

The resolution also requires that:

-- if the flag State does not consent to inspection on the high seas, that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to the resolution.

-- member states seize and dispose of contraband found during inspection.

-- a member state reports to the 1718 Sanctions Committee when it undertakes an inspection or seizes and disposes of contraband.

-- member states promptly report to the 1718 Committee if a flag state refuses to cooperate with the inspection provisions.

-- all Member States prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to DPRK vessels if they have information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by resolutions 1718 and 1874, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary.

¶3. (U) These provisions attempt to combat potential proliferation by the DPRK of arms and related materiel, as well as nuclear and missile-related items. Additionally, prohibiting the provision of any maritime services to North Korean-owned, operated or flagged ships suspected of engaging in the proliferation of nuclear or missile-related items, as well as arms and related materiel, may serve to deter future proliferation by the DPRK.

¶4. (U) Beyond implementation of the specific measures in UNSCR 1874, we request that member states set an example and assure transparency in their dealings with North Korea, preferably through a protocol of inspecting shipments received from North Korea, whether or not there is specific evidence that the cargo is in violation of UNSCR 1874. This will help avoid potentially complicated challenge inspections at sea and maximize the prospect that North Korea will return to the path of denuclearization, without interfering with legitimate trade.

ACTION REQUEST/OBJECTIVES

¶5. (U) Posts that were not action addressees of State 64133 are instructed to approach appropriate host-nation officials as soon as possible and seek their cooperation in carrying out the inspection-related provisions of UNSCR 1874 and providing transparency in their interactions with North Korea. In doing so, Posts should:

- Encourage states to be vigilant to the prospect of North Korean transfers of proscribed materials.
- Impress upon states the threat posed by the DPRK's nuclear weapon, ballistic missile, other WMD, and conventional weapons programs.
- Impress upon states that the Resolution forbids the purchase of all weapons systems from the DPRK.
- Note the DPRK has transferred items previously that are proscribed by UNSCRs 1874 and 1718 and is likely to attempt transfers in the future.
- Stress the need for states to be transparent with any dealings they might have with North Korea in order to build international confidence in implementation of UNSCR 1874.
- Note that North Korean-flagged vessels may attempt to obtain bunkering services outside of port facilities in order to avoid inspection. For this reason, UNSCR 1874 imposes obligations on member states to deny provision of such services, where there are reasonable grounds to believe the North Korean vessels are transporting proscribed items (except where necessary for humanitarian purposes).

Posts may draw from the Summary and Objectives in paras 2-5, as well as the Talking Points below, as appropriate.

TALKING POINTS/NON-PAPER

¶6. (U). The following may also be left as a non-paper.
BEGIN TALKING POINTS/NON-PAPER:

-- We would like to discuss the implementation of the new UN Security Council Resolution adopted in response to North Korea's May 25 nuclear test.

-- As you know, the Security Council unanimously adopted UNSCR 1874 on June 12. The resolution contains measures to prevent North Korea from transferring nuclear, ballistic missile, or other WMD-related items, as well as other arms or related materiel. However, these measures must be fully enforced by all Member States to ensure their effectiveness and prevent dangerous proliferation activities by the DPRK from continuing.

-- In particular, we would like to highlight the provisions of paragraph 11 of UNSCR 1874, which calls upon States to inspect

all cargo to and from the DPRK in your territory, including seaports and airports, if you obtain information providing reasonable grounds to believe this cargo would be prohibited by UNSCR 1718 or UNSCR 1874.

-- We encourage you to conduct as thorough an inspection of such cargo as your national authorities and legislation will allow. We believe that North Korea's pattern of dangerous proliferation and its repeated willful violations of international law raise legitimate suspicions about North Korea cargo.

-- UNSCR 1874 also calls upon member states to inspect vessels, with the consent of the flag State, on the high seas, if there are reasonable grounds to believe that the vessel's cargo contains items the supply, sale, transfer, or export of which is prohibited by UNSCRs 1718 or 1874.

-- Paragraph 13 of UNSCR 1874 calls upon all states to cooperate with the inspection provisions of the Resolution, and requires flag states that do not consent to inspection of a particular vessel on the high seas (where there are reasonable ground to believe that the vessel is carrying proscribed cargo) to direct the vessel to proceed to an appropriate and convenient port for required inspection.

-- Member states are required to promptly report to the 1718 Committee if a flag state refuses to cooperate with the inspection provisions.

-- UNSCR 1874 also requires that member states seize and dispose of contraband found during inspection and to report to the 1718 Sanctions Committee when it undertakes an inspection or seizes and disposes of contraband.

-- We realize that not all states have the capacity to conduct inspections of ships on the high seas. However, we encourage all states to be vigilant regarding potential shipments of proscribed items, particularly by North Korea, and to work with other member states to carry out the provisions in the resolution.

-- We also seek your cooperation if vessels of concern are be diverted to your ports for inspection.

-- We are willing to discuss the provision of assistance should states require additional capacity to carry out inspections.

-- The resolution also requires/requires member states to prohibit the provision of bunkering services, such as provision of fuel or provisions, or other servicing of vehicles, to DPRK vessels if there is information providing reasonable grounds to believe they are carrying proscribed items. The resolution contains an exception to permit provision of such services if it is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary.

-- We are concerned that, in the past, North Korean vessels suspected of carrying banned goods have used international waters to avoid inspection and used bunkering services outside of territorial waters to avoid inspection.

-- We are particularly concerned about the provision of bunkering services facilitating the ability of North Korean vessels to transport proliferation-related cargoes outside the Asia-Pacific region.

-- We believe that rigorous enforcement of UNSCR 1874's prohibitions on providing bunkering services could prevent North Korean efforts to evade inspection and detection of possible cargoes of proliferation concern.

-- We, therefore, strongly urge your government to enforce UNSCR 1874's prohibitions on bunkering as vigorously as possible.

-- With the cooperation of our international partners, we also seek to increase the transparency of all states in dealings they might have with North Korea, especially in areas that are addressed in UNSCRs 1718 and 1874. Only then can we build international confidence in the implementation of these resolutions.

-- Specifically, given the threat of North Korean proliferation and to ensure full implementation of UNSCR 1874, the United States encourages states to maximize transparency in all transactions and shipments from North Korea. States engaged in legitimate business with North Korea should welcome the opportunity to demonstrate that they are in compliance with the Resolution, and contribute to the effort to discourage efforts by the DPRK to conceal illicit trade.

-- FOR NEW DELHI, ISLAMABAD, AND COLOMBO ONLY: Due to your country's strategic location along maritime or air routes between North Korea and the Middle East, we urge you to enhance your vigilance of North Korean cargo that may contain items prohibited by UNSCRs 1718 or 1874.

END POINTS

¶7. (U) REPORTING REQUIREMENT: Please report response to this demarche within five business days of receipt of this cable.

¶8. (U) POINT OF CONTACT: Washington POC for follow-up and further information is Mark Felipe, ISN/CPI, 202-647-5376, felipem2@state.sgov.gov.

¶9. (U) Department thanks Posts for their assistance. Please slug all responses for ISN, IO, USUN, and T.

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End Cable Text